

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of	:	Confirmation No.
Saidi, Zahir et al.	:	8648
	:	
Application Serial No.: 10/019,100	:	Group Art Unit:
	:	1627
Filed: August 21, 2003	:	
	:	
For: AQUEOUS COMPOSITIONS CONTAINING	:	Examiner:
CORTICOSTEROIDS FOR NASAL AND	:	Layla Soroush
PULMONARY DELIVERY	:	
	:	
	X	

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VYACHESLAV V. VASILYEV, REG. NO. 58,154

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Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO THE NOTIFICATION OF NON-COMPLIANT APPEAL**  
**BRIEF**

Sir:

This communication is in response to the Notification of Non-Compliant  
Appeal Brief, issued on February 2, 2010.

**REMARKS**

On October 10, 2009, Patent Appeal Specialist Cassandra Downs issued Notification of Non-Compliant Appeal Brief, because, *inter alia*, she insisted that the brief did not contain a correct copy of appealed claims as an appendix to the brief (37 CFR § 41.37(c)(1)(viii)). During the phone call with the undersigned, Specialist Downs suggested that the Claim Appendix should list only the claims involved in this Appeal. On November 9, 2009, Appellants submitted the revised brief complying with Specialist Downs's suggestions. The revised brief was found in compliance with formalities and passed on to the Examiner.

On February 2, 2010, the Examiner issued another Notification of Non-Compliant Appeal Brief. According to the Examiner, the reason for non-compliance was that the brief did not contain a correct copy of the appealed claims, and insisted that the claims appendix should specify cancelled and withdrawn claims.

Appellants respectfully note that this inconsistency in the positions of Specialist Downs and the Examiner puts Appellants in a Catch-22 situation. This inconsistency was brought to the Examiner's attention during the kindly granted telephonic interview with the undersigned. During that interview, the Examiner suggested that Appellants re-submit the brief filed on November 9, 2009, but replace the claims appendix with the claims appendix submitted with the original brief filed on September 15, 2009.

Appellants thank Examiner Soroush for this suggestion. The revised brief consistent with the Examiner's suggestion is filed with this letter.

**CONCLUSION**

Appellants respectfully submit that the Brief accompanying this response fully complies with 37 CFR § 41.37(c) and is now in condition to be examined on merits.

However, if such an action cannot be taken at this time, Appellants respectfully request a phone call to the undersigned.

Commissioner is hereby authorized to charge any fees in connection with this appeal, or with any other related matters before the PTO, to the undersigned's Deposit Account No. 50-1943.

Respectfully submitted,

Date: March 2, 2010

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